

REMARKS

Summary of the Office Action

The supplemental amendments to the specification, drawings, and claims submitted on June 18, 2010 are not entered on the basis of allegedly introducing new matter not supported by the originally submitted specification.

The amendment filed June 18, 2010 is objected to under 35 U.S.C. § 132(a) for allegedly introducing new matter.

Claims 1 and 10 as examined on February 28, 2010 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 1, 6 – 8, 10, and 12 – 16 as examined on February 28, 2010 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,917,118 (“Kosann”) in view of U.S. Patent No. 3,056,275 (“Williams”).

Although not entered, claim 16 as submitted in the amendment filed June 18, 2010 has been indicated as unpatentable under 35 U.S.C. § 112, second paragraph, for allegedly lacking antecedent basis.

Although not entered, claims 1, 6 – 8, 10, and 12 – 15 as submitted in the amendment filed June 18, 2010 have been indicated as allegedly unpatentable under 35 U.S.C. § 103(a) over Williams in view of U.S. Patent No. 4,199,966 (“Winch”).

Although not entered, claim 16 as submitted in the amendment filed June 18, 2010 has been indicated as allegedly unpatentable under 35 U.S.C. § 103(a) over Williams in view of Winch, further in view of Kosann.

Summary of the Response to the Office Action

In the interest of advancing prosecution, and without conceding that it is new matter, Applicant withdraws the supplemental amendments to the specification, drawings, and claims submitted on June 18, 2010.

In the interest of advancing prosecution, and without conceding patentability, Applicant cancels claims 1, 6 – 8, 10, and 12 – 16 without prejudice or disclaimer. Claims 2 – 5, 9, 11, and 17 – 26 were previously canceled without prejudice or disclaimer. Applicant reserves the right to reassert any of the claims canceled or the original claim scope of any claim amended herein, in a continuing application.

Applicant adds new claims 27 – 36 to define the claimed subject matter further. Support for new claims 27 – 36 is found at least the claims as originally filed and from page 6, line 6 to page 7, line 19 of the application as originally filed (paragraphs [0024] through [0026] of the published application). Thus, Applicant respectfully submits that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132.

Applicant respectfully requests entry of the present Amendment and reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

The Objection to the Amendment Filed June 18, 2010

The amendment filed June 18, 2010 is objected to under 35 U.S.C. § 132(a) for allegedly introducing new matter. In the interest of advancing prosecution, and without conceding the propriety of the objection, Applicant withdraws the supplemental amendment to the specification,

drawings, and claims submitted on June 18, 2010. Accordingly, Applicant requests that the objection be withdrawn as moot.

The February 28, 2010 Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1 and 10 as examined on February 28, 2010 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In the interest of advancing prosecution, and without conceding the propriety of the rejection, Applicant cancels claims 1 and 10 without prejudice of disclaimer. Accordingly, Applicant respectfully requests that the February 28, 2010 rejection of claims 1 and 10 under 35 U.S.C. § 112, first paragraph, be withdrawn as moot.

The February 28, 2010 Rejections under 35 U.S.C. § 103(a)

Claims 1, 6 – 8, 10, and 12 – 16 as examined on February 28, 2010 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Kosann in view of Williams. In the interest of advancing prosecution, and without conceding the propriety of the rejection, Applicant cancels claims 1, 6 – 8, 10, and 12 – 16 without prejudice of disclaimer. Accordingly, Applicant respectfully requests that the February 28, 2010 rejection of claims 1, 6 – 8, 10, and 12 – 16 under 35 U.S.C. § 103(a) be withdrawn as moot.

The June 18, 2010 Rejections under 35 U.S.C. § 112, Second Paragraph

Although not entered, claim 16 as submitted in the amendment filed June 18, 2010 has been indicated as unpatentable under 35 U.S.C. § 112, second paragraph, for allegedly lacking antecedent basis. In the interest of advancing prosecution, and without conceding the propriety of this rejection, Applicant cancels claim 16 without prejudice of disclaimer. Accordingly, Applicant

respectfully requests that the June 18, 2010 rejection of claim 16 under 35 U.S.C. § 112, second paragraph, be withdrawn as moot.

The June 18, 2010 Rejections under 35 U.S.C. § 103(a)

Although not entered, claims 1, 6 – 8, 10, and 12 – 15 as submitted in the amendment filed June 18, 2010 have been indicated as allegedly unpatentable over Williams in view of Winch. Although also not entered, claim 16 as submitted in the amendment filed June 18, 2010 has been indicated as allegedly unpatentable over Williams in view of Winch, further in view of Kosann.

In the interest of advancing prosecution, and without conceding the propriety of these rejections, Applicant cancels claim 1, 6 – 8, 10, and 12 – 16 without prejudice of disclaimer. Accordingly, Applicant respectfully requests that the June 18, 2010 rejection of claims 1, 6 – 8, 10, and 12 – 16 under 35 U.S.C. § 103(a) be withdrawn as moot.

New Claims 27 – 36

Applicant adds new independent claims 27 and 31 and new dependent claims 28 – 30 and 32 – 36. None of the new claims invoke 35 U.S.C. § 112, sixth paragraph. New claim 27 is supported by the original filed claim 1 and the phrases “*two porous fabric belts arranged to form a fabric roll for carrying fibers or filaments*”; “*guide rollers and nip rollers to guide said fabric roll along with fibres or filaments through the pre-wetting troughs, the dye baths and the drying arrangement*”; and “*said supporting system supports the fibers or filaments to take up the tension between the guiding rollers thereby allowing the fibers to flow freely for dyeing fibers or filaments continuously and homogeneously without getting disturb due to tension.*” Support for these phrases is found from at least page 6, line 6 through page 7, line 25 of the specification as filed

(paragraphs [0024] – [0026] of the published application). Support for new independent claim 31 (a method claim corresponding to apparatus claim 27) is also found there. Support for the new dependent claims is found in at least the claims as originally filed. Thus, Applicant respectfully submits that new claims 27 – 36 introduce no new matter within the meaning of 35 U.S.C. § 132.

Applicant submits that claims 27 – 36 are non-obvious and therefore patentable under 35 U.S.C. § 103(a) over Kosann, Williams, and Winch, alone or in combination. To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966). In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should “identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *KSR Int’l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007). Furthermore, even if the prior art may be combined, there must be a reasonable expectation of success, and the reference or references, when combined, must disclose or suggest all of the claim limitations. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Here, new claim 27 recites an apparatus for dyeing fiber or filament, comprising:

- a plurality of pre-wetting troughs;
- a plurality of dye baths;
- a drying arrangement;
- a supporting system comprising **two** porous fabric belts configured to form a fabric roll for carrying fibers or filaments; (emphasis added) and
- guide rollers and nip rollers configured to guide said fabric roll along with fibres or filaments

- through the pre-wetting troughs, the dye baths and the drying arrangement,
- wherein said supporting system is configured to support the fibers or filaments to take up the tension between the guiding rollers thereby allowing the fibers to flow freely for dyeing fibers or filaments continuously and homogeneously without being disturbed by the tension.

New independent claim 31, a method claim corresponding to apparatus claim 27, recites a method for dyeing fibers or filaments comprising:

- supporting fibers on a supporting system having **two** porous fabric belts and simultaneously forming a porous fabric roll from the fabric belts; (emphasis added)
- carrying the fibers or filaments on the porous fabric roll;
- guiding the porous fabric roll carrying the fibers or filaments through pre-wetting troughs for pre-wetting the fibers or filaments, dye baths for dyeing the fibres or filaments, and drying arrangement for drying the fibres or filaments; and
- separating dried fibers or filaments from the porous fabric roll,
- wherein supporting the fibers on the supporting system allows the fibers to flow freely for dyeing fibers or filaments continuously and homogeneously without being disturbed by tension.

Applicant respectfully submits that new claims 27 and 31 are patentably distinct over the references of record. The claimed subject matter, for example, recites in part “a supporting system comprising **two** porous fabric belts” (emphasis added). In contrast to the claimed subject matter, Kosann teaches using different conveyors for each stage/section. Kosann uses a dual belt conveyor system 61 for dye processing system 16, three conveyors 68, 69, 70 for the steamer, a single conveyer 73 for first rinser 42, a single conveyor 75 for moving through heated bath 74, a single conveyor 81 for oxidizing applicator 44, a single conveyer 83 for drainage bin 82, and a single conveyor 91 for drainage bin 90. Thus, Kosann fails at least to teach or suggest “a supporting system comprising **two** porous fabric belts.”

Applicant submits that Kosann and the other cited references also fail at least to disclose or suggest a belt that is **porous**. Nothing in Kosann or the other references teaches that “perforated” is synonymous with “porous.” The Free Online Dictionary, for example, defines a

“perforation” at <http://www.thefreedictionary.com/perforation> as “[a] hole or series of holes punched or bored through something” or “a hole made in something.” *Id.* Since the new claims do not invoke 35 U.S.C. § 112, sixth paragraph, the Examiner may not use alleged “functional equivalents” to support a rejection of the claimed subject matter. Even if alleged equivalents were available to support a rejection of the claimed subject matter, however, one of skill in the art would understand that the rubber and wire belts disclosed in Kosann are not equivalent to the claimed porous fabric belt. Accordingly, Kosann also fails to disclose or suggest “porous fabric belts.”

Applicant submits that the remaining references fail at least to make up for this additional deficiency of Kosann. Williams, for example, teaches a belt made of woven wire. It is commonly known in the art that woven wire belts are made of metal and rubber. Hence Applicant respectfully submits that Williams also fails at least to disclose or suggest the claimed porous fabric belt. Applicants respectfully submit that Williams also fails to teach making of fabric roll from the porous fabric belt, since one of skill in the art would understand that it is difficult to form a roll from such type of belt. Winch, the remaining reference, fails to make up for these deficiencies in Kosann and Williams. Winch is cited for allegedly teaching features recited in the canceled claims, but not for teaching or suggesting the features of new claims 27 and 31 discussed above.

Thus, even if one of ordinary skill in the art were to combine Kosann with Williams and/or Winch, the combined references still fail to teach or suggest each and every feature of new claims 27 and 31. For at least these reasons, Applicant respectfully submits that independent claims 27 and 31 are allowable. Applicant further submits that claims 28 – 30 and 32 – 36 are also allowable

at least because they depend from allowable claims 27 and 31. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed subject matter, Applicant respectfully requests that new claims 27 – 36 be allowed.

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CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,
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